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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,776	01/24/2002	Philippe Vandermersch	02P00754US	4586

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Siemens Corporation  
Attn: Elsa Keller, Legal Administrator  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

EXAMINER

NGUYEN, STEVEN H D

ART UNIT PAPER NUMBER

2616

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/056,776

**Applicant(s)**

VANDERMERSCH, PHILIPPE

**Examiner**

Steven HD Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laursen (USP 6847618) in view of Simard (USP 6940826).

Regarding claims 1, 9, 17 and 25-26, Laursen discloses a method for providing a conferencing session, comprising receiving inputs from a number of participants in a conferencing session (Fig 13, ref 1310); and combining received inputs into a first sub-packet and a second sub-packet (Fig 13A, Ref 1330 and 1350), wherein the first sub-packet has a first payload and the second sub-packet has a second payload, the first payload and the second payload including inputs combined from at least a portion of the received inputs from the number of participants (Fig 13A, Ref 1330), wherein the first payload includes at least one received input that is not included in the second sub-packet (Fig 13A, ref 1350). However, Lauren fails to disclose a method and system for generating an output packet that includes the first and second packet. in the same field of endeavor, Simard discloses a conference unit for generating an output multicasting transmission that includes mixed voice signal and unmixed voice signals for transmitting the conferees (Col. 11, lines 32-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for establishing a single multicast

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transmission which includes the mixed and unmixed voice signals to the conferees wherein the single multicast transmission must includes the indicators to identify which voice signals associates with a conferee as disclosed by Simard into the teaching of Laursen. The motivation would have been to reduce in transcoding, latency, and/or required signal processing power within the central conference bridge is needed and reduce the overhead header of a stream.

Regarding claims 2, 10 and 18, Laursen discloses determining a number of prominent inputs from the received inputs, the determined prominent inputs utilized to provide the first payload for the first sub-packet and the second payload for the second sub-packet (Fig 13A, Ref 1310, 1320, 1330 and 1350).

Regarding claims 3, 11 and 19, Laursen discloses inputs are determined as prominent based upon a characteristic including at least one of loudness, signal strength, clarity, and prominence history (Fig 13A, Ref 1310).

Regarding claims 4 and 20, Laursen discloses the second sub-packet includes at least one received input that is not included in the first sub-packet, wherein the at least one received input that is not included in the first sub-packet includes a next most prominent received input (Fig 13A, Ref 1310, the first and second active speakers).

Regarding claims 5, 12 and 21, Simard discloses configuring the sub-packets in the output packet so that upon receipt of the output packet by a participant, the participant examines the packets and outputs a first examined sub-packet which does not include an indication that the sub-packet includes content received from the participant (Col. 11, lines 32-64, conference only extract voice signal that does not contain its own voice signal).

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Regarding claims 6, 13 and 22, Laursen and Simard fails to disclose the output packet is configured as a UDP packet which encapsulates the first sub-packet and the second sub-packet, the first sub-packet and the second sub-packet configured as RTP packets. However, the examiner takes an official notice that a method and system for multiplexing a plurality of RTP packets into UDP packet is well known and expected in the art at the time of invention was made to implement this teaching into the system and method of Laursen and Simard. The motivation would have been to reduce the header overhead of voice streams by multiplexing the RTP packets into UDP packet.

Regarding claims 7, 14 and 23, Laursen discloses the first sub-packet and the second sub-packet include headers indicating originating participants of the first payload and the second payload (Fig 15).

Regarding claim 15, Laursen and Simard fails to disclose the headers are contributing sources (CSRC) headers. However, the examiner takes an official notice that a method and system for using CSRC to identify source is well known and expected in the art which uses Real time transport protocol. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to apply CSRC field into the RTP packets of Laursen and Simard because this field is one of field that should be use in voice over internet conference and it is a standard field. The motivation would have been to indicate the number of contribute sources in the mixed voice signal or mixed stream and reduce overhead of a stream.

Regarding claims 8, 16 and 24, Simard inherently discloses transmitting the output packet to at least a portion of the number of participants in the conferencing session utilizing a multicast IP address (Col. 11, lines 32-64, single multicast, multicast address).

***Response to Arguments***

3. Applicant's arguments filed 6/30/06 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art or the nature of the problem to be solved. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992) and *In re Rouffet*, 149 F.3d 1350, 47, U.S.P.Q.2d 1453 (Fed Cir. 1998). In this case, Lauren discloses a packet conference system for receiving input from at least one of conferees and generating the packets for transmitting to the conferees as stated in the claimed invention and Simard discloses a packet conference unit for receiving the input from the conferees and generating a multicast transmission "packet" that contains mixed voice signal and unmixed voice signals for transmitting the conferees. Therefore, it would have been obvious to one of ordinary skill in the art to implement a method and system for generating a multicast packet that contains the information from the conferees such as mixed voice signal and unmixed voice signals for transmitting to the conferences into the teaching of Lauren in order to reduce in transcoding, latency, and/or required signal processing power within the central conference bridge is needed and improve throughput of the system because a method and system for

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generating a multicast packet with a plurality of sub-packets that contain a different information in the payload is well known and expected in the art.

4. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

5. In response pages 2-3, the applicant states that Simard does not disclose a method and system for generating a multicast signal that includes a packetized of mixed voice and a packetized of unmixed voice. In reply, Simard discloses a packet conference unit for receiving voice packet from the conferees and generating a multicast packet "multicast signal" that includes unmixed voice and mixed voice instead of transmitting the unicast packet that contains only unmixed voice or mixed voice. So, the multicast signal "single packet" is clearly a multicast packet that contains the unicast packets (Col. 11, lines 32-64 and col. 15, lines 23-56). Furthermore, the applicant states that the combination of the two packets would increase the overhead of the packet, so it will increase the bandwidth. In reply, Simard clearly discloses a single packet that contain the voice signals will reduce in transcoding, latency, and/or required signal processing power within the central conference bridge is needed.

6. In response to page, the applicant states that the examiner should provide a prior art that disclosed a CSRC field (1) and multiplexing RTP packets into UDP (2). In reply (1), Olsson

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(USP 6452950) discloses a voice over internet system discloses a packet header (FIG 1, Each header comprises at least twelve of octets organized into the following fixed header fields: version (V): 2 bits padding (P): 1 bit extension (X): 1 bit contributing source (CSRC) count (CC): 4 bits marker(M): 1 bit payload type (PT): 7 bits sequence number: 16 bits timestamp: 32 bits synchronization source (SSRC): 32 bits CSRC list: 0 to 15 items, 32 bits each and col. 5, lines 3-5 which uses CSRC for a mixed voice packet); Chapman (US 6438123) discloses a RTP packet for carry a mixed voice by using CSRC (Fig 4A, col. 5, lines 8-37); Foster (USP 6466550) discloses a voice over IP conference unit for mixing voice signals and using CSRC field (col. 6, lines 7-46) and RFC-1889 which discloses the use of CSRC field in packet conference. These prior arts disclose a standard field such CSRC should be used to indicate the number of contributed sources etc... as stated in claim 15. Therefore, Even without theses prior arts, one of ordinary skill in the art will look into RFC-1889 in order to use this field because RTP is used to transmitting voice over packet network. In reply (2), Luo (USP 6804237) discloses a method and system for multiplexing a plurality of RTP packets into UDP packet (Fig 6, Col. 5, lines 56 to col. 6, line 10); Chuah (USP 6704311) discloses a method and system for multiplexing a plurality of RTP packets into UDP packet (Col. 1, lines 40-58); Szabo (US 20020003779) discloses for multiplexing a plurality of RTP packets into UDP packet (Page 1, [004]); Chuah (USP 6993021) discloses a method and system for multiplexing a plurality of RTP packets into UDP packet (Fig 1) and Milton (USP 6721333) a method and system for multiplexing a plurality of RTP packets into UDP packet (Fig 3); Tanigawa (Internet draft) discloses a method and system for multiplexing a plurality of RTP packets into UDP packet (Fig 2) as stated in claims 6, 13 and 22.



***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Steven HD Nguyen  
Primary Examiner  
Art Unit 2616  
August 24, 2006